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January 16, 2003

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1/28

AMENDMENT 37 C.F.R. 1.111

Address to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Attorney Docket

KINE-001CON2

First Named Inventor

S. Dedhar

ELECT.

Application Number

09/840,704

Filing Date

April 23, 2001

Group Art Unit

1635

Examiner Name

T. Gibbs

Title: *Integrin Linked Kinase and its Uses*

Sir:

This amendment is responsive to the Restriction Requirement dated November 29, 2002, which set a one-month period for response.

REMARKS

In view of the above amendments and the following remarks, the Examiner is respectfully requested to allow claims 1-18, the currently pending claims.

In response to the Restriction Requirement, Applicants elect the invention of Group III, claims 1, 4, 5-10 and 13-18, with traverse. Applicants respectfully submit that the methods of inhibiting inflammation in a host, as set forth in Claims 1-18, are properly rejoined and examined as a single group.

While 35 U.S.C. 121 provides that restriction may be required to one of two or more independent and distinct, 37 CFR 1.141 provides that a reasonable number of species may still be claimed in one application if the other conditions of the rule are met.

As discussed in MPEP 806.04(a), species, while usually independent, may be related under the particular disclosure. Where inventions as disclosed and claimed are both (A) species under a claimed genus and (B) related, then the question of restriction must be determined by both the practice applicable to election of species and the practice applicable to other types of restrictions such as those covered in MPEP § 806.05 - § 806.05(i).

It is not possible to define a generic claim with that precision existing in the case of a